

## § 151.2036

## 33 CFR Ch. I (7-1-08 Edition)

the U.S. after operating beyond the Exclusive Economic Zone, you (the master, operator, or person-in-charge of a vessel) must employ at least one of the following ballast water management practices:

(1) Perform complete ballast water exchange in an area no less than 200 nautical miles from any shore prior to discharging ballast water in U.S. waters;

(2) Retain ballast water onboard the vessel; or

(3) Prior to the vessel entering U.S. waters, use an alternative environmentally sound method of ballast water management that has been approved by the Coast Guard.

[USCG-1998-3423, 64 FR 26682, May 17, 1999, as amended at 66 FR 58391, Nov. 21, 2001; USCG-2003-14273, 69 FR 44961, July 28, 2004; USCG-2002-14273, 69 FR 60309, Oct. 8, 2004]

### **§ 151.2036 If my voyage does not take me into waters 200 nautical miles or greater from any shore, must I divert to conduct a ballast water exchange?**

A vessel will not be required to deviate from its voyage, or delay the voyage, in order to conduct a ballast water exchange.

[USCG-2003-14273, 69 FR 44961, July 28, 2004]

### **§ 151.2037 If my vessel cannot conduct ballast water management practices because of its voyage and/or safety concerns, will I be prohibited from discharging ballast water?**

(a) A vessel that cannot practicably meet the requirements of § 151.2035(b)(1) because its voyage does not take it into waters 200 nautical miles or greater from any shore for a sufficient length of time and elects to retain ballast water on board, or because of the safety concerns contained in § 151.2030, will not be prohibited from the discharge of ballast water in areas other than the Great Lakes and the Hudson River. However, the vessel must discharge only that amount of ballast water operationally necessary to ensure the safety of the vessels for cargo operations and make ballast water records available to the local Captain of the Port upon request.

(b) A vessel that cannot practicably meet the requirements of § 151.2035(b)(3)

because its alternative environmentally sound ballast water management method is inoperable must employ one of the other ballast water management practices stated in § 151.2035(b). If the vessel cannot employ other ballast water management practices due to voyage or safety concerns, the vessel will not be prohibited from the discharge of ballast water in areas other than the Great Lakes and the Hudson River. However, the vessel must discharge only that amount of ballast water operationally necessary to ensure the safety of the vessels for cargo operations and make ballast water records available to the local Captain of the Port upon request.

[USCG-2003-14273, 69 FR 44961, July 28, 2004]

### **§ 151.2040 What are the mandatory ballast water management requirements for vessels equipped with ballast tanks that operate in the waters of the United States and are bound for ports or places in the United States?**

(a) A vessel bound for the Great Lakes or Hudson River, which has operated beyond the EEZ (which includes the equivalent zone of Canada) during any part of its voyage regardless of intermediate ports of call within the waters of the United States or Canada, must comply with §§ 151.2041 and 151.2045 of this subpart, as well as with the provisions of subpart C of this part.

(b) A vessel engaged in the foreign export of Alaskan North Slope Crude Oil must comply with §§ 151.2041 and 151.2045 of this subpart, as well as with the provisions of 15 CFR 754.2(j)(1)(iii). Section 15 CFR 754.2(j)(1)(iii) requires a mandatory program of deep water ballast exchange unless doing so would endanger the safety of the vessel or crew.

(c) A vessel not covered by paragraphs (a) or (b) of this section and is bound for ports or places in the United States must comply with §§ 151.2041 and 151.2045 of this subpart.

(d) This subpart does not authorize the discharge of oil or noxious liquid substances (NLS) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLS, or any other pollutant